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Held at the Palais Wilson, Geneva, on Tuesday, 8 July 2014, at 3 p.m.

Chairperson: Sir Nigel Rodley

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The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Fourth periodic report of the Sudan (CCPR/C/SDN/4, CCPR/C/SDN/Q/4, CCPR/C/SDN/Q/4/Add.1 and HRI/CORE/1/Add.99/Rev.1)

1. *At the invitation of the Chairperson, the delegation of the Sudan took places at the Committee table.*

2. **Ms. Elobied** (Sudan) said that the Sudan had been one of the first countries to apply the right embodied in article 1 of the Covenant by recognizing the outcome of the referendum on self-determination which had led to the independence of South Sudan.

3. **Mr. Abdelgadir** (Sudan) said that the Sudan attached the greatest importance to promoting and protecting human rights. The principles set forth in the Constitution and national laws were fully consistent with the values advocated by international human rights law. The fourth periodic report was the fruit of the extensive consultation of representatives of a wide variety of sectors. It recorded the Sudan's efforts to give effect to the rights protected by the Covenant and the difficulties encountered in that respect. In 2013, the Government, acting in partnership with civil society, had launched the National Action Plan for the Promotion and Protection of Human Rights, the main purpose of which was to foster the teaching and fulfilment of human rights, along with cooperation with regional and international civil society bodies to that end. In order to implement the plan, the Ministry of Justice had appointed a human rights adviser attached to the Ministry of Education, which in turn had set up a specialized committee on instruction in those rights. Civil society organizations likewise played a decisive role in advancing human rights through campaigns to combat harmful traditional practices, such as the Saleema campaign against female genital mutilation. At the legislative level, mention had to be made of the Act against human trafficking, which had been adopted in 2014 and of amendments to asylum law in order to incorporate into it the provisions of the Convention relating to the Status of Refugees. The Criminal Code, the Code of Criminal Procedure, the Personal Status Code and the Electoral Code had been reviewed and the quota of seats in Parliament which were reserved for women had been increased from 25 to 30 per cent. At the institutional level, several bodies, including a National Human Rights Commission, had been established in order to ensure the compatibility of State action with international human rights standards. The Constitutional Court also played a substantial role in promoting and protecting human rights by expounding in its case law principles based on international human rights law, which all courts were then bound to apply.

4. The drafting of a permanent constitution for the Sudan was a Government priority. A committee had been set up to coordinate work in that field and public consultations involving numerous stakeholders had been held in all the States of the country. The restoration of peace, security and stability was a precondition for the realization of human rights. To that end, the President of the Republic had launched a round of national consultations open to all on a wide range of issues, such as the promotion of freedoms, economic reform, poverty reduction and the strengthening of a national identity. The Sudan was determined to combat the threats to the peace and security of its population from certain armed groups in the pay of foreign powers. It firmly believed in the virtues of dialogue and hoped that, with the assistance of the international community, it would manage to persuade the rebel groups to come to the negotiating table. It cooperated without reservations with regional mechanisms monitoring the Comprehensive Peace Agreement and, in accordance with the express instructions of the President of the Republic, it had received a large number of refugees fleeing the fighting and had offered them protection in its territory.

5. **Ms. Mubarak** (Sudan), summarizing the written replies to the list of issues, said that the fifth periodic report of the Sudan would contain a detailed account of action under the National Action Plan for the Promotion and Protection of Human Rights which had been launched in June 2013. Complaints against law enforcement officers were always duly examined. Those officers' immunities were procedural in nature and varied according to the seriousness of the breaches committed. That issue had been examined in 2013 at a workshop, held with the support of the United Nations Development Programme (UNDP), which had produced some recommendations the follow-up to which had been entrusted to a committee under the supervision of the prosecution service. Numerous steps had been taken to apply the Doha Document for Peace in Darfur, in particular at the institutional level, with the setting up of the Office of the Special Public Prosecutor for the Special Courts for Darfur, which was responsible for investigating all alleged breaches linked to the conflict and of the Truth, Justice and Reconciliation Commission. The unlawful activities of armed groups were, however, still impeding the peace process. The Government was continuing its efforts to persuade those armed groups to disarm and it relied on the international community's help to achieve that goal. It also hoped that the pledges given at the International Donor Conference for Reconstruction and Development in Darfur would be honoured. The Government was endeavouring to encourage the resettlement of displaced persons in new villages, or their voluntary return to their original village and to provide them with access to essential services. That was an arduous task because of the Sudan's financial plight and the impact of economic sanctions imposed on it, but that strategy, which had been welcomed by the United Nations, had already made it possible to build over 20 villages and to facilitate the seasonal return of some displaced person in order that they might engage in farming during the rainy season. In the Sudan a state of emergency could be declared only by the highest authorities of the State and solely in the event of a direct threat against the country. It did not breach fundamental rights in any way and was therefore compatible with article 4 of the Covenant. A state of emergency was in force in the States of South Kordofan and Blue Nile owing to the conflicts there.

6. Many women held senior posts in the public sphere. The reform of the Electoral Act had increased women's representation in Parliament. The Government had introduced a national policy to further girls' education and programmes to promote women's empowerment, especially in rural areas. The Sudan was mainly a Muslim country, but other religions were respected and all lived peacefully side by side. Trafficking and servitude were prohibited by the 2005 Constitution and an act specifically banning trafficking had been adopted a year earlier. A committee to combat the kidnapping of women and children had been set up in an attempt to halt that practice. Freedom of association was guaranteed by the Constitution and by law, but the lawfulness and financing of associations had to be checked prior to their founding. Freedom of expression was guaranteed by the Constitution and any statutory limitations on the exercise of that right were consistent with the provisions of the Covenant. On several occasions the Constitutional Court had enforced the right to freedom of expression by quashing decisions which had sought to muzzle the press.

7. **The Chairperson** invited Committee members who so wished to put questions to the delegation.

8. **Mr. Neuman** (Country Rapporteur) thanked the State party for sending the Committee the text of the National Action Plan for the Promotion and Protection of Human Rights, but he regretted that it had not provided more information on progress achieved since that plan had been launched. He requested details of the terms of reference of the National Human Rights Commission and of its activities and of the resources allocated to it. He wished to know whether it had already made any recommendations to the Government and, if so, what action had been taken on them.

9. He asked the delegation to explain in detail how the National Action Plan for the Protection of Human Rights was applied and what results it had produced. It was regrettable that the State party had not provided any information about the achievements of the National Human Rights Commission which had been set up in 2012 or indicated whether that body had made any recommendations to the Sudanese authorities. The Commission had not applied for accreditation with the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights, with the result that it had been impossible to assess its compliance with the Principles relating to the Status of National Institutions (the Paris Principles). The Commission had not supplied the Committee with any information ahead of the dialogue with the State party. He therefore asked the delegation for information regarding the measures taken to give the Commission sufficient human and financial resources. Since Sudan had ratified the Covenant without entering any reservations, the provisional Constitution of 2005 and the new Constitution had to be fully compatible with the Covenant's provisions and he wished to know what measures had been adopted to ensure that they were. He was also eager to know what had been done to ensure that the process of revising the Constitution had been accompanied by a dialogue with all the strands of political thought.

10. He invited the delegation to comment on the opinion expressed by the Independent Expert on the situation of human rights in the Sudan in his 2013 report (A/HRC/24/31) that the impunity of the security forces remained a recurrent problem. As in its written replies to the list of issues the State party had failed to supply any information about cases being heard by civilian or military courts in which law enforcement officers or members of the armed or security forces stood accused of crimes against humanity, war crimes or genocide, he wished to know if that meant that no one was being prosecuted for that kind of crime. He invited the delegation to explain how the fact that the police, armed and security forces could stymie the prosecution of their members who had committed serious human rights violations could be consistent with the provisions of the Covenant. The delegation might also wish to comment on allegations of sluggishness on the part of the Office of the Special Public Prosecutor for the Special Courts on Darfur which had passed few sentences. Impunity would continue to reign in Darfur and would encourage the commission of further breaches of human rights. Lastly, he asked what the State party was doing to assist the Office of the Special Public Prosecutor to bolster accountability and cooperate with international mechanisms which could help in that sphere.

11. **Mr. Kälin** enquired as to the steps being taken by the Government effectively to protect civilians from forced displacement during the armed conflict, for example by informing the armed forces of the prohibition on the forced displacement of populations and by giving them the requisite training to avoid combat tactics entailing such displacement. Turning to the resettlement of displaced persons in host communities rather than in camps, he wondered what methods were used to identify, protect and assist displaced persons outside camps. He also wished to know whether the Sudan was contemplating the ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention). As for the situation of refugees in the Sudan, he asked the delegation to comment on allegations that the principle of non-refoulement had not always been respected, especially with regard to Eritrean asylum seekers and refugees. He referred to a statement of the United Nations High Commissioner for Refugees who had drawn attention to the case of 74 Eritreans who had been sent back to their country of origin in July 2014 without being given access to the existing asylum procedures.

12. With regard to allegations that serious violations of human rights had been committed by government forces and pro-government armed groups, inter alia in the States of Darfur, South Kordofan and Blue Nile, he asked for a detailed account of the way in which the provisions of the National Security Act, which granted immunity to members of

the National Intelligence and Security Service, were applied. Since the figures supplied in the State party's written replies with regard to the number of cases processed by the Office of the Special Public Prosecutor for the Special Courts for Darfur and the number of sentences passed by the Courts were identical to those given by the Independent Expert on the situation of human rights in the Sudan in his 2013 report, he wished to know whether that meant that, since that date, the Office of the Special Public Prosecutor had not considered any new cases, or conducted any new investigations and that the Courts had not handed down any further sentences.

13. The delegation was invited to say whether, in view of the conditions imposed by the State party on the implementation of the 2012 Tripartite Agreement, neutral parties could deliver humanitarian assistance to persons affected by the conflicts in the States of Darfur, South Kordofan and Blue Nile, even in areas under rebel control. It was also asked to comment on information that access to areas controlled by the Sudan People's Liberation Army/Movement (SPLA/M) was restricted, or even impossible. If humanitarian assistance could reach areas not controlled by the Government, details of the conditions governing access would be welcome.

14. **Mr. Bouzid** asked whether all regions of Darfur, South Kordofan and Blue Nile were under states of emergency and on what date that measure had been adopted for each region. He also wished to know if each of the decrees establishing the state of emergency and the renewal of those measures had been approved by Parliament and whether the President of the Republic had been consulted and also whether the Secretary-General of the United Nations had been informed that recourse was being had to the right of derogation under article 4, paragraph 3, of the Covenant. The delegation was asked to comment on information to the effect that the implementation of the state of emergency and the ensuing restrictions on liberty of movement had prevented many Sudanese citizens from registering on the electoral roll and taking part in elections.

15. He also asked what amendments would be made to legislation in order to eliminate discrimination against women, whether NGOs were associated in that process and whether a date had been set for the presentation of the draft amendment in Parliament. He also wished to know if article 152 of the 1991 Criminal Code concerning indecent conduct and clothing was applied in the same way to men and women, irrespective of their religion and if the State party was contemplating the adoption of an anti-discrimination Act. In addition, the delegation was asked to comment on allegations that flogging was still used as a punishment in some regions of the Sudan. It might also wish to give some details regarding the application of the death sentence, especially to minors and when confessions had been obtained by torture, and to say whether the Sudan was intending to adopt a moratorium on the death sentence or to shorten the list of crimes entailing capital punishment.

16. **Ms. Waterval** asked the delegation to supply the precise number of women in the National Assembly, the judiciary and the executive branch of Government. She asked it for a detailed account of the outcome of the national policies for women's empowerment and girls' education and the effect of measures for women's advancement which the State party had undertaken to adopt in paragraph 174 of its report.

17. **Ms. Seibert-Fohr** asked the delegation to describe the measures taken to prevent violence against women and to prosecute the perpetrators, including law enforcement officers. As the provisions of the Criminal Code that were deemed to protect women were inadequate, she asked what legislative measures had been adopted in order to amend articles 145 and 149 of the 1991 Criminal Code concerning adultery and rape. She invited the delegation to say whether it was true that rape continued to be treated as adultery and that persons who forced their spouse to engage in sexual relations were not accused of conjugal rape. The delegation might also wish to say if it was true that the Criminal Code did not regard domestic violence as a crime and whether the authorities registered the

complaints of women who had been victims of violence. She asked the delegation to provide the Committee with the text of the legal provisions prohibiting female genital mutilation in the States of North Kordofan, South Darfur, Red Sea and Al Qadarif and to say how many people had been prosecuted under those provisions. Why had no national law prohibiting female genital mutilation in all circumstances been adopted? What had been done to enable the gathering of high-quality data on the outcome of the national strategy for the elimination of female genital mutilation in the Sudan (2008–2018) and to analyse that data?

18. **The Chairperson** decided briefly to suspend the session to enable the delegation of the Sudan to prepare its replies to the questions put by Committee members.

The meeting was suspended at 4.55 and resumed at 5.10 p.m.

19. **Mr. Tungo** (Sudan) said that, although the National Action Plan for the Promotion and Protection of Human Rights had been launched in June 2013, its effective implementation had started at the beginning of 2014. In the intervening period, a technical committee responsible for the plan's application and a higher level monitoring committee had been set up. Human rights education was of prime importance to the Government. Under the guidance of the Ministry of Education human rights courses had been included in school and university curricula. In addition, all the reports which the Sudan submitted to the treaty bodies of the United Nations, including the report under consideration, were disseminated free of charge throughout the country and copies were distributed to university libraries and civil society organizations. Workshops on subjects related to human rights and awareness-raising campaigns had been run for law enforcement officials. The Advisory Council on Human Rights had held several seminars in various regions, with UNDP support, in order to consult the population on the drafting of the future Constitution.

20. Some 60 cases concerning breaches of human rights in Darfur had been tried and about 40 other cases of that kind were pending. In 15 of the cases examined by the courts, 30 of the 70 suspects had been members of armed groups and 27 had received the death sentence. Twelve of the persons convicted were members of the regular army of the Sudan. In 2013, the courts had passed 227 death sentences. Ten of them had been carried out, 86 were pending and 30 were under review. In accordance with the law, death sentences were automatically reviewed by a higher court and were carried out only after all domestic remedies had been exhausted. In order to prevent the death sentence being applied to minors, the Sudanese authorities, acting in cooperation with regional and international organizations, strove to determine the exact age of persons who had been sentenced to death, for errors in recording date of birth were frequent. In response to a resolution of the African Commission on Human and Peoples' Rights, the Sudanese authorities had undertaken not to execute any minor who had been sentenced to death.

21. It was impossible to verify many allegations regarding enforced disappearance, murder and torture since the identity of the presumed victims could not be established, above all because some of them had a very common name. The Sudanese authorities had repeatedly asked for additional information on those allegations, but to no avail. Rebel groups were chiefly responsible for extrajudicial executions. Assertions that the regular army had killed innocent people at Abu Karshola were groundless. All extrajudicial executions of which agents of the State were accused formed the subject of an inquiry and, if appropriate, gave rise to punishment.

22. **Mr. Eltahir** (Sudan) said that immunity from prosecution was granted to some categories of officials who performed particular duties, but such protection was not immutable. Sudanese case law showed that there had been instances in which agents of the State had been stripped of their immunity, tried and given prison, or even death sentences.

23. **Mr. Musa** (Sudan) said that an agreement authorizing the National Human Rights Commission to register refugees and issue them with a birth certificate had been signed with the Office of the United Nations High Commissioner for Refugees (UNHCR). The Sudan had some 6,000 registered refugees, more than 7,500 asylum seekers and 200 persons for whom the UNHCR was responsible. Allegations that the Sudan did not respect the principle of non-refoulement were unfounded. A number of Eritrean refugees who had arrived in the Sudan had identity documents showing that they had obtained refugee status in Ethiopia. That was the reason why they could not apply for asylum in the Sudan. The Sudanese Government had contacted the UNHCR office in Khartoum to find out why those refugees had fled from the camps where they had been living previously. The situation in the camps taking in persons who had been displaced in the wake of the Darfur crisis had improved considerably as far as access to basic services was concerned. The authorities were planning to build 1,000 housing units for displaced persons from Darfur who wished to go home. In addition, refugee camps and villages had been built with the support of Qatar in several regions of Darfur. The World Food Programme offered assistance to displaced persons who resettled in Darfur and in the Blue Nile region. It had not been possible to mount children's vaccination campaigns in areas under the control of armed groups, because those groups barred access to them. Lastly, 7,000 refugees had returned voluntarily to Ethiopia, where they received assistance from the international community.

24. **Mr. Abdelgadir** (Sudan) said that, as explained in the report and written replies, a state of emergency was declared only in the event of imminent danger and in accordance with the relevant provisions of the Constitution. The Sudan called on the Committee and the international community not only to help it to allay the tensions which forced it to declare a state of emergency, but also to bring pressure to bear on rebel groups to persuade them to come to the negotiating table. A state of emergency was currently in force in Blue Nile and the five States of Darfur. The declaration of a state of emergency did not result in the restriction or suspension of the right to participate in elections or of the freedom of movement. The poor participation of some groups in the elections was due to the fact that it was necessary to have been resident in a region for at least three months in order to be able to register on the electoral roll. That situation deprived nomads of the possibility of voting and being elected. An Act had been drafted to solve that problem.

25. The main purpose of article 152 of the Criminal Code was to suppress objectionable conduct. The manner in which a woman dressed did not come within the purview of that article unless her attire was unseemly, which was a matter for the courts to decide.

26. **Ms. Mustafa** (Sudan) said that in 2007 the Sudan had adopted a national policy on women's advancement. The interim Constitution adopted in 2005 gave women more rights and provided for the introduction of affirmative action to encourage their participation in public life. In the elections held in 2010 women had won 26 per cent of the seats in Parliament, a percentage slightly higher than the 25 per cent quota set in the Electoral Act. Ten parliamentary committees were chaired by women. Legislation also required that at least 25 per cent of judicial officers must be women. The country currently had 96 women members of the national legal service, 1 of whom was a member of the Constitutional Court. The Ministry of Education had adopted a high-level strategy to further girls' education, the aim of which was to overcome the disparity between the number of boys and girls enrolled in school. In large towns, 90 per cent of girls attended primary and secondary schools and 65 per cent of girls continued their studies at a higher educational establishment. In 2004, after the crisis in Darfur, in response to the violence which had been done to women in that context, several committees had been set up with the support of the African Union and United Nations bodies in order to implement a plan to combat violence against women and to speed up proceedings against the alleged offenders. The Ministry of Justice had published a decree granting women the right to file a complaint in order that the perpetrators did not go unpunished. It had also set up a group of women who

visited refugee camps in order to encourage women who had been the victims of such violence to lodge complaints. In 2007 the authorities had published a decree guaranteeing the right of women to bring a case before the courts up until five years after the acts.

27. **The Chairperson** thanked the delegation for its replies and invited it to continue giving them at the following meeting.

The meeting rose at 6.05 p.m.